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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1950.

No. 32

THE GREAT ATLANTIC & PACIFIC TEA COMPANY,
Petitioner,

vs.

SUPERMARKET EQUIPMENT CORPORATION,
Respondent.

PETITION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

ON

PETITION FOR REHEARING

Re Opinion Rendered December 4, 1950.

HOWARD H. DARBO,
LOUIS ROBERTSON,
WILLARD J. TESCH,
A. TREVOR JONES,
20 No. Wacker Drive,
Chicago 6, Illinois,
Attorneys.

Midwest Law Printing Co.; DElaware 7-6669

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To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Come now the undersigned practicing patent attorneys licensed to practice before the Supreme Court of the State of Illinois and the District Court of the United States for the Northern District of Illinois, and respectfully petition leave to file the brief of an *amicus curiae*, in the above entitled case, on the grounds:

(1) That the Supreme Court decision of December 4, 1950 apparently failed to recognize what the lower courts

actually found as referred to in their opinions and what the facts actually appear to be;

(2) That it is a matter of grave concern to the people of this country in securing to them the promotion of the progress of science and useful arts, provided for by the Constitution, that regularly issued patents, when upheld by the lower courts, should not be stricken down by the Supreme Court upon an incorrect and incomplete consideration of the facts.

The brief for which leave to file is hereby requested accompanies this petition.

The undersigned, two of whom are members of the bar of this court, certify that this petition is presented in good faith. They do not represent any of the parties hereto nor any party having any interest in the specific subject-matter, and file this petition solely in what they believe to be the public interest.

Howard H. Darbo

Louis Robertson

Willard J. Tesch

A. Trevor Jones

20 No. Wacker Drive,
Chicago 6, Illinois.
December 18, 1950.